

Public Law 97-372
97th Congress

An Act

To provide for the use and distribution of the funds awarded to the Shawnee Tribe of Indians in dockets 64, 335, and 338 by the Indian Claims Commission and docket 64-A by the United States Court of Claims, and for other purposes.

Dec. 20, 1982
[H.R. 5795]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the funds appropriated on March 10, 1978, and August 22, 1979, in accordance with section 1302 of the Supplemental Appropriation Act (31 U.S.C. 724A), in satisfaction of judgments granted to the Shawnee Tribe in dockets 64, 335, and 338 by the Indian Claims Commission and in docket 64-A by the United States Court of Claims, less attorney fees and litigation expenses, including all interest and investment income accrued, shall be used and distributed as herein provided.

Shawnee Tribe
of Indians of
Oklahoma.
Distribution and
use of funds.
Ante, p. 917.
31 USC 1304.
Ante, p. 1062.
39 USC 409.

SEC. 2. The Secretary of the Interior (hereinafter "Secretary") shall divide the funds among the Absentee Shawnee Tribe of Oklahoma, the Eastern Shawnee Tribe of Oklahoma and the Cherokee Band of Shawnee descendants as follows:

514/1378ths to the Absentee Shawnee Tribe of Oklahoma;
117/1378ths to the Eastern Shawnee Tribe of Oklahoma; and
747/1378ths to the Cherokee Band of Shawnee descendants.

SEC. 3. The Absentee Shawnee Tribe of Oklahoma's share shall be distributed as follows:

(a) A roll shall be prepared, in accordance with the procedures enacted by the tribal governing body and approved by the Secretary, of all members of the Absentee Shawnee Tribe of Oklahoma who were born on or prior to and living on the date of this Act. Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution of 75 per centum of the Absentee Shawnee Tribe's share of the funds, in a sum as equal as possible, to all persons listed on this roll.

Ancestry roll.

(b) The remaining 25 per centum shall be utilized as follows:

(1) A sum, not to exceed \$150,000 shall be utilized as matching funds to acquire an Economic Development Administration (EDA) grant from the Department of Commerce to construct a multipurpose restaurant: *Provided*, That if the tribe is unable to acquire this grant that the funds herein discussed be distributed according to the provisions of section 3(b)(2).

(2) The Executive Committee of the Absentee Shawnee Tribe of Oklahoma shall prepare, subject to the approval of the Secretary, administrative guidelines for the remainder of the funds for use in education, health, economic, and related programs which will benefit the entire tribe.

Guidelines.

SEC. 4. The Eastern Shawnee Tribe of Oklahoma's share shall be distributed as follows:

(a) A roll shall be prepared, in accordance with the procedures enacted by the tribal governing body and approved by the Secretary, of all members of the Eastern Shawnee Tribe of Oklahoma who were born on or prior to and living on the date of this Act.

Ancestry roll.

Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution of 80 per centum of the Eastern Shawnee Tribe's share of the funds, in a sum as equal as possible to all persons listed on this roll.

(b) The remaining 20 per centum shall be utilized for a tribal land purchase program pursuant to the provisions of part 120-A of section 25, Code of Federal Regulations: *Provided*, That no salaries shall be paid from these funds: *Provided further*, That the funds shall be in the custody of the tribal secretary/treasurer and all expenditures shall be approved by the Eastern Shawnee Tribe of Oklahoma business committee.

Ancestry roll.

SEC. 5. A roll shall be prepared by the Secretary based on the roll of the Cherokee Shawnee compiled pursuant to the Act of March 2, 1889 (25 Stat. 994), and any other records acceptable to him, of all the lineal descendants, except members of the Absentee Shawnee Tribe of Oklahoma or the Eastern Shawnee Tribe of Oklahoma, of the Shawnee Nation as it existed in 1854, who were born on or prior to and living on the date of this Act. Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution of the Cherokee Band of Shawnee descendant's share of the funds, in a sum as equal as possible, to all persons listed on this roll.

Per capita payments.

SEC. 6. The per capita shares of living competent adults shall be paid directly to them. Per capita shares of deceased individual beneficiaries shall be determined and distributed pursuant to regulations prescribed by the Secretary. Per capita shares of legal incompetents and per capita shares of individuals under age eighteen shall be paid in accordance with such procedures, including the establishment of trust, as the Secretary determines to be necessary to protect the interests of such individuals.

Tax exemption.

SEC. 7. None of the funds distributed under this Act shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for or the amount of assistance under the Social Security Act.

42 USC 1305.
Rules and regulations.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved December 20, 1982.

LEGISLATIVE HISTORY—H.R. 5795:

HOUSE REPORT No. 97-817 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 128 (1982):

Sept. 29, considered and passed House.
Dec. 8, considered and passed Senate.